

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JAGADISH DASHRATHLAL PATEL,)
)
Plaintiff,)
)
v.) Case No. 07-00083-CV-W-NKL
)
ALBERTO GONZALES, Attorney)
General of the United States of America,)
et al.,)
)
Defendants.)

ORDER

On September 24, 2007, this Court remanded Plaintiff Jagadish Dashrathlal Patel’s (“Patel”) action against Defendants to USCIS to make a decision on Patel’s naturalization application within 60 days of receiving a completed background check from the FBI. Patel now petitions this Court for Reconsideration of the instructions issued in that Order [Doc. # 26].

The Court understands Patel’s motion as brought under Rule 60 of the Federal Rules of Civil Procedure which provides relief to a party adversely affected by a judgment based upon mistake, inadvertence, excusable neglect, newly discovered evidence, fraud or “any other reason justifying relief from the operation of the judgment.” Fed. R. Civ. P. 60(b)(6). Patel argues that this Court should modify its judgment based on the instructions issued to the USCIS by the Chief Judge of the Western District of

Missouri in cases with different circumstances. Patel's motion does not set forth any basis under Rule 60 which would justify relief from this Court's judgment. Naturalization applications are by their nature individual and unique which justifies the wide authority granted to district courts: the power to hold evidentiary hearings, decide naturalization applications or remand to USCIS with appropriate instructions. 8 U.S.C. § 1447(b). This Court does, however, retain jurisdiction to review this matter if a final determination is not made on the pending application for naturalization within a reasonable amount of time. Congress clearly intended 8 U.S.C. § 1447 to reduce unreasonable delay in granting naturalization applications. *Etape v. Chertoff*, 497 F.3d 379, 389 (4th Cir. 2007). The Court is confident that USCIS will process Patel's application in the expedient manner expected as a result of its original Order.

Accordingly, the Plaintiffs' Motion for Reconsideration [Doc. # 26] is DENIED.

s / NANETTE K. LAUGHREY
NANETTE K. LAUGHREY
United States District Judge

Dated: January 18, 2008
Kansas City, Missouri